

**BOROUGH OF FOUNTAIN HILL  
COUNCIL MEETING MINUTES  
September 5, 2017**

**7:00 P.M.**

Council members present were: Ms. Jordan, Mr. Trabel, Mr. Blatt, Ms. Halleman, Ms. Gifford, Mr. Trotter, and Mayor Rosado. Also in attendance were Mr. Peter Lehr, Esq., Anthony Branco, Executive Administrator, Jason Quarry, PW Supervisor, Fire Chief Boeher, and guests. Mr. Rapp, Bethany Sebesta, Assistant to the Executive Administrator, Police Chief Ed Bachert, and Albert Rohrbach, Zoning Officer, were absent.

Council Vice-President Blatt called for the pledge to the flag and a moment of silence for Robert Hercik, past Public Works supervisor for the Borough.

Council Vice-President Blatt indicated the next item on the agenda was the approval of minutes:

1. Minutes of the July 19, 2017 Meeting

	Motion	2nd	Yes	No	Abstain	Absent
Philip Trabel			X			
Carolee Gifford			X			
Hellen Halleman			X			
Annamarie Jordon	X		X			
Norman Blatt			X			
Doug Trotter		X	X			
Larry Rapp						X
Mayor Jose Rosado						

2. Minutes of the August 7, 2017 Regular Meeting

	Motion	2nd	Yes	No	Abstain	Absent
Philip Trabel			X			
Carolee Gifford		X	X			
Hellen Halleman			X			
Annamarie Jordon			X			
Norman Blatt			X			
Doug Trotter	X		X			
Larry Rapp						X
Mayor Jose Rosado						

**PRIVILEGE OF THE FLOOR:** (agenda items)

PUBLIC COMMENT

- Pollutant Reduction Plan (PRP) for the 2018 -2023 NPDES Municipal Separate Storm Sewer Systems (MS4) Permit

Council Vice-President Blatt opened the floor for public comment for the MS4 permit. Mr. Jason Smith of Hanover Engineering presented Council and the Public the draft for the MS4 Plan mandated by EPA. Mr. Smith explained that due to the last census, the Borough was designated as an urbanized area. The Borough is comprised of 2 area for the MS4 program. The first area is the land area around the St. Lukes campus and some surrounding area. The second area is composed of the remainder of the Borough.

The Lehigh River is currently listed as an impaired river, and since the Borough storm water is discharged into the Lehigh, the Borough is required to reduce contaminants by 10% of its current level. The permit cycle for this permit will be from 2018 to 2023. Mr. Smith stated that if anything changes, the Borough may adjust the permit but must have another public meeting to do so.

Ms. Gifford stated that Borough Council should contact our Federal officials to oppose this mandate. Mr. Smith stated that this is an EPA mandate and that they will not budge on any aspect of the requirements they have put in place. Mr. Branco will request a meeting of our Federal Congressmen before Council to seek their assistance in voicing Council's displeasure with the MS4 mandate.

Mr. Trotter asked what would be the cost to implement the program. Mr. Smith stated that he has not yet run the numbers but that it will be expensive to implement. The cost can be deferred over the five-year period of the permit.

Ms. Gifford asked what would happen if the Borough did not comply. Mr. Smith stated that the fines he was aware of for violations averaged at \$37,500 per day. Mr. Smith will get figures for Mr. Branco for the upcoming budget.

## **MAYOR'S REPORT:**

Mayor Rosado reported on the recent homicide in the Borough. This is the first homicide in decades. Mayor Rosado also stated the following;

- This was not a random act, the victim was targeted
- The Lehigh County District Attorney's office is taking the lead in the investigation
- Chief Bachert is addressing owner's concerns.

Mayor Rosado also thanked the Bethlehem and Salisbury Police Departments for their assistance, the Fountain Hill Police Department, and the District Attorney's office for their work.

## **EXECUTIVE ADMINISTRATOR'S REPORT:**

- Mr. Alan France, CPA – audit presentation

Mr. France informed Council that there was a clear opinion for the 2016 audit. The audit is based on a modified cash basis, and the total assets for the Borough which includes all funds and fixed assets was \$7,568,000 to the positive.

Mr. France also informed Council of the following;

- The sewer fund, although showing a positive \$2,000 indicated that the Borough is not putting money away for emergencies or maintenance.

- The Borough pensions are underfunded in the amount of \$3.2 million dollars. Mr. France expects that number to be reduced due to the positive stock market.

Mr. Trotter asked how the Borough fared compared to other Boroughs of the same size. Mr. France stated that Fountain Hill is comparable with other municipalities of the same size. Mr. France stated that some municipalities are switching from a defined plan to a 401 plan in an effort to reduce the underfunded liability.

Mr. Branco informed Council that he had received the resignation of Mr. Dave Whiteman from Public Works effective September 8, 2017

	Motion	2nd	Yes	No	Abstain	Absent
Philip Trabel			X			
Carolee Gifford		X	X			
Hellen Halleman			X			
Annamarie Jordon	X		X			
Norman Blatt			X			
Doug Trotter			X			
Larry Rapp						X
Mayor Jose Rosado						

**NEW BUSINESS:** none

**ORDINANCES:**

**Second Reading**

ORDINANCE NO. 838

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF FOUNTAIN HILL, CHAPTER 15, PART 3, PROHIBITING PARKING AT VARIOUS TIMES, AMENDING SCHEDULE 1 (A) AND SCHEDULE 2 (B), EXTENDING THE EXISTING PROHIBITING PARKING ON THE NORTH SIDE OF CHEROKEE STREET

BE IT ORDAINED by the Borough Council of the Borough of Fountain Hill, Lehigh County, Commonwealth of Pennsylvania, that Chapter 15, Part 3, shall be amended as follows:

- Schedule 1(A), Parking Prohibited at All Times in Certain Locations, shall be amended as follows:

**ADD:**

STREET	SIDE	BETWEEN
Cherokee Street	North	Beginning at 86 feet east of the intersection of N. Clewell and Cherokee St. going east 255 feet (no parking, stopping)

**GENERAL REPEALER**

All Ordinances or parts of ordinances, and all resolutions or part of resolutions, inconsistent herewith shall be and are herewith repealed.

3. **SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it has advance knowledge that any part would be declared invalid.

4. **PROCEDURAL DEFECTS IN ENACTMENT.** Any procedural challenge shall be filed in accordance with applicable law.

5. **ENACTMENT.** Under Authority of Law, Borough Council of Fountain Hill hereby enacts and ordains into an Ordinance the attached documents this date of September 5, 2017. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

	Motion	2nd	Yes	No	Abstain	Absent
Philip Trabel			X			
Carolee Gifford		X	X			
Hellen Halleman			X			
Annamarie Jordon			X			
Norman Blatt			X			
Doug Trotter	X		X			
Larry Rapp						X
Mayor Jose Rosado						

**MOTIONS:**

**OLD BUSINESS:**

**COUNCIL PRESIDENT’S REPORT:**

**SOLICITOR’S REPORT:**

**COMMITTEE REPORTS:**

- Finance Committee:  
Councilman Trotter reviewed the bills paid in each Fund, and made a motion for the approval of the bills. The motion was seconded by Councilwoman Gifford and was approved unanimously.
- Public Works Committee:

- Ms. Jordan presented the August Public Works report submitted by Mr. Jason Quarry.
- Police Committee: N/R
- House & Ordinance Committee:

Mr. Blatt informed Council that there were 2 draft ordinances in Council's mail; the Marijuana and Quality of Life Ordinances. Mr. Blatt asked Council to review both and send any changes/additions to Mr. Branco in writing.

- Fire Committee: Mr. Trabel read the August fire report.
- Recreation Committee: N/R
- Health & Sanitation Committee: Councilwoman Halleman read the August Sewer and Sanitation report.
- Personnel Committee: N/R

**SPECIAL OR SELECT COMMITTEES: N/R**

**PRIVILEGE OF THE FLOOR** (non-agenda items):

Councilwoman Gifford made the motion to adjourn at 8:11 PM. Councilman Trotter seconded the motion and it was approved unanimously.

\*\*\*\*\*

Respectfully Submitted,

---

Anthony Branco, Executive Administrator

**BOROUGH OF FOUNTAIN HILL  
LEHIGH COUNTY, PENNSYLVANIA**

By: \_\_\_\_\_  
Norman Blatt Jr., Vice-President of Council

**ATTEST:**

By: \_\_\_\_\_  
Anthony Branco, Executive Administrator